

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JOHNNY L. TRIPLETT,

Plaintiff,

v.

No. 05-2432 B

SHELBY COUNTY DIVISION
OF CORRECTIONS,

Defendant.

ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S
REQUEST FOR EXTENSION OF TIME TO RESPOND TO MOTION TO DISMISS
OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT

On October 30, 2006, this Court entered an order directing the then pro se Plaintiff, Johnny L. Triplett, to show cause why this case should not be dismissed for failure to prosecute. At that time, a dispositive motion filed by the Defendant was pending to which Triplett had failed to respond. On November 10, 2006, a response was filed on Plaintiff's behalf by attorney Ronald Wilson. In the body thereof, counsel requested an extension of time in which to respond to the Defendant's motion.

However, while counsel indicated that he had consulted with opposing counsel concerning his separate motion to modify the scheduling order filed the same day, he made no such representation to the Court as to consultation on the issue of extending the response deadline. The Local Rules of the United States District Court for the Western District of Tennessee (the "Local Rules") require that motions be accompanied by a certificate of consultation "affirming that, after consultation between the parties to the controversy, they are unable to reach an accord as to all issues or that all other parties are in agreement with the action requested by the motion."

LR7.2(a)(1)(B), Local Rules. "Failure to file an accompanying certificate of consultation may be deemed good grounds for denying the motion." Id. Based on counsel's failure to provide a certificate of consultation, the motion is DENIED without prejudice. In the event the request is resubmitted to the Court, counsel is advised to include therein the length of time he deems necessary for the proposed extension.

IT IS SO ORDERED this 14th day of November, 2006.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE